

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER



DATE April 21, 2010

MOTOR CARRIER MATTER



DOCKET NO. **2009-326-C**

UTILITIES MATTER



ORDER NO.

SUBJECT:

DOCKET NO. 2009-326-C - State Universal Service Support of Basic Local Service Included in a Bundled Service Offering or Contract Offering – Discuss with the Commission.

COMMISSION ACTION:

First of all, we have been asked for a ruling as to who had the burden of proof in this matter. Although I believe that this question is inconsequential to the final result in this case, I move that we hold that, since this case is a generic proceeding, no party had the burden of proof. Even though the competitive local exchange carriers may have originally raised the issue, this does not change the generic character of the issue itself, or shift the burden of proof to any one party. The purpose of this hearing was to gather relevant information on an issue with far-reaching impact on all the telecommunications utilities and, accordingly, all parties were asked to prefile their testimony at the same time. This holding is consistent with procedures used in other generic telecommunications proceedings. In those proceedings, all parties of record were instructed to prefile testimony on the same date, and no specific party had the burden of proof. Accordingly, I believe that we should hold that no party had the burden of proof in the present case. However, Madam Chairman, I also move that we hold that South Carolina carriers of last resort should continue to be eligible for funding from the State Universal Service Fund for the provision of basic local exchange telephone service, regardless of whether the basic local service is provided alone or as part of a bundled or contract service offering. This conclusion is clearly supported by the evidence submitted in this case, by the statutory law cited by various parties, by the policies already established by this Commission in our past Orders and by Federal policies. Madam Chairman, I believe that this decision is in the best interest of South Carolina's citizens, because it will continue this Commission's commitment, in keeping with the South Carolina General Assembly's directive, to ensure the continued availability of affordable basic local exchange telephone service for all South Carolina consumers.

PRESIDING: Fleming

SESSION: Regular

TIME: 2:30 p.m.

MOTION YES NO OTHER

NAME	Y	N	Not Voting	Funeral Leave on the Day of the Hearing
FLEMING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

HAMILTON ☐ ☒ ☐

HOWARD ☐ ☒ ☐

MITCHELL ☒ ☒ ☐

WHITFIELD ☐ ☒ ☐

WRIGHT ☐ ☒ ☐

(SEAL)

RECORDED BY: J. Schmieding

